

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 2, 2001**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of May 2, 2001 was called to order by Mayor Nakanishi at 6:33 p.m.

Present: Council Members – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

Absent: Council Members – None

Also Present: City Manager Flynn, Deputy City Attorney Schwabauer, and City Clerk Blackston

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Prospective acquisition of real property located at 205-207 S. Sacramento Street, Lodi, California (APN 043-046-17); the negotiating parties are City of Lodi and William & Virginia Maxwell TR.; Government Code §54956.8

C-3 ADJOURN TO CLOSED SESSION

At 6:34 p.m., Mayor Nakanishi adjourned the meeting to a Closed Session to discuss the above matter.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:00 p.m., Mayor Nakanishi reconvened the City Council meeting and the Deputy City Attorney Schwabauer disclosed the following action.

In regard to item C-2(a), the City Council, on motion of Council Member Land, Howard second, voted to reject the counter offer for the property located at 205-207 S. Sacramento Street, Lodi, California (APN 043-046-17). The motion carried by a unanimous vote.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of May 2, 2001 was called to order by Mayor Nakanishi at 7:00 p.m.

Present: Council Members – Hitchcock, Howard, Land, Pennino and Mayor Nakanishi

Absent: Council Members – None

Also Present: City Manager Flynn, Deputy City Attorney Schwabauer, and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor Steve Newman, First Baptist Church of Lodi.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Nakanishi.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 (a) Community Improvement Manager Joseph Wood presented the Community Improvement Award to Oscar & Ninfa Dominguez, property owners of 319 S. Sacramento Street, in recognition of their contribution toward the improvement of Lodi.

D-1 (b) Mayor Nakanishi and Nicole Goehring, Aide to Congressman Pombo, presented Certificates of Recognition to Thomas Driscoll, who will be entering into the United States Naval Academy, and Jared Dockendorf, who will be entering into the United States Air Force Academy.

D-2 (a) Mayor Nakanishi presented a proclamation to Brad Jones, Veteran Employment Representative with the State of California Employment Development Department, proclaiming the month of May 2001 as "Veteran Appreciation Month" in the City of Lodi.

- D-2 (b) Mayor Nakanishi presented a proclamation to Darrell Drummond, event coordinator, proclaiming Saturday, May 12, 2001 as the 11th Anniversary of "Walk for the Health of It Day" in the City of Lodi.
 - D-2 (c) Mayor Nakanishi presented a proclamation to Postmaster Boyd Lambertson and Amanda Solway with the US Post Office, proclaiming Saturday, May 12, 2001 as "National Letter Carrier Food Drive Day" in the City of Lodi.
 - D-3 (a) "Update by the Arts Commission on its activities and accomplishments" was **removed from the agenda**
 - D-3 (b) Community Promotions Coordinator Cynthia Haynes reported that a partnership was formed last January between the City, the Bank of the West, and the Downtown Lodi Business Partnership in an effort to raise money toward the Arch Bear Restoration Project. To date more than \$15,000 has been raised, which is enough money to completely restore the bear, as well as to re-light the Arch. Librarian Sandra Smith has researched the Lodi Arch and discovered that it is the oldest standing arch in the nation. A display of Arch memorabilia will be at the Library from June 1-15. On June 14, the restored, 24 kt., gold-plated bear will be unveiled at a ceremony to begin at 7:00 p.m. There will be a 21-gun salute at the event and the new Arch lighting will be rededicated in honor of veterans. Ms. Haynes thanked Fleet and Facilities Manager Dennis Callahan for having the Arch repainted its original color.
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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Land, Hitchcock second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

NOTE: Due to a potential conflict of interest, Council Member Land abstained from discussion and voting on Item E-3.

- E-1 Claims were approved in the amount of \$2,783,278.77.
- E-2 The minutes of March 21, 2001 (Regular Meeting), April 10, 2001 (Shirtsleeve Session), April 12, 2001 (Joint Meeting w/Lodi Arts Commission), April 17, 2001 (Shirtsleeve Session), April 24, 2001 (Shirtsleeve Session), and April 25, 2001 (Joint Meeting w/Recreation Commission) were approved as written.
- E-3 Accepted the quarterly report of the City of Lodi Pooled Money Investment Account as required by SB564.

NOTE: Due to a potential conflict of interest, Council Member Land abstained from discussion and voting on this matter.

- E-4 Approved the specifications and authorized advertisement for bids for the following quantities and sizes of electrical conductor for the Electric Utility Department:
 - 24,000 feet #1/0 underground triplex
 - 25,000 feet #350 underground triplex
- E-5 Adopted Resolution No. 2001-98 authorizing the purchase of one Minolta EP5000 photocopier from Business Office Systems, of Stockton, under provisions of an equipment contract between the County of San Joaquin and Minolta Corporation, in the amount of \$8,944.00.
- E-6 Adopted Resolution No. 2001-99 authorizing the non-competitive purchase of a replacement/upgrade of the master station and software for the City's Supervisory, Control and Data Acquisition (SCADA) from Siemens/TeleGyr Systems, Inc., in the amount of \$165,000.00.

- E-7 Accepted the improvements under the North School Street Sycamore Tree Trimming, 2000 contract.
 - E-8 Authorized staff to hire the consulting services of Padilla & Associates, Inc., to update the City of Lodi's comprehensive Federal Disadvantaged Business Enterprise (DBE) Program and Overall Annual Goal for Federal Fiscal Year 2001/02.
 - E-9 Adopted Resolution No. 2001-100 authorizing the one-year renewal of a service maintenance contract for the City's wide area network premise equipment through WAN/LAN Solutions, of Roseville, in the amount of \$13,321.40.
 - E-10 "Adopt resolution authorizing the Parks and Recreation Director to submit a grant application for Land and Water Conservation Funds requesting \$100,000 for development of the Lodi Lake central area" was **removed from the agenda**.
 - E-11 Approved the Request for Proposals (RFP) for towing services for vehicle abatement by the Community Development Department and the Lodi Police Department, pursuant to Lodi Municipal Code Sections 10.56.010 and 10.56.020.
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F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- John Johnson, Chairman of the Lodi Sports Foundation, P.O. Box 608, Lodi, reported that the seats at Zupo Field have been ordered. He distributed a brochure (filed) for the 3rd Annual Double Elimination 3-on-3 Basketball Tournament to be held on May 20 at Lodi High School.

G. PUBLIC HEARINGS

- G-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the Public Hearing to consider adopting Resolution to Vacate the Old Beckman Road, from 325 feet to 1,400 feet north of Kettleman Lane.

Public Works Director Prima explained that this action is related to the realignment of Beckman Road near Highway 99 and Kettleman Lane. The eastern alignment was done in conjunction with the development project for the Geweke property. They are currently preparing plans for a new car dealership. Staff will prepare a reimbursement agreement for some of the utility and street work that was done, and then return to Council for approval of an agreement to transfer the property to Geweke. The first step in the process is to abandon the public use of the right-of-way, which is being requested at this time.

In response to Council Members Hitchcock and Land, Mr. Prima confirmed that the City would be retaining easements for utilities, sewer, storm drain, and power lines.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Land, Hitchcock second, unanimously adopted Resolution No. 2001-101 entitled, "A Resolution Of The Lodi City Council Vacating Old Beckman Road, From 325 Feet To 1,400 Feet North Of Kettleman Lane".

- G-2 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the Public Hearing to consider Planning Commission's recommendation of approval to the City Council for the rezoning of 255 E. Harney Lane from C-S, Commercial Shopping to C-1, Neighborhood Commercial, and a recommendation that the City Council certify Negative Declaration ND-01-01 as adequate environmental documentation for the project.

Community Development Director Bartlam explained that approximately one acre of the property located at the corner of Stockton Street and Harney Lane was zoned incorrectly in 1995. The property currently holds a Commercial Shopping center designation and needs to be correctly zoned as a Neighborhood Shopping zone.

Council Member Hitchcock recalled that she had been on the Planning Commission at the time when it was zoned as part of a larger piece of property. She pointed out that with Neighborhood Commercial (C-1) the entire property could potentially be paved over and a building constructed on it, as opposed to Commercial Shopping (C-S), which allows for only a 25% lot coverage.

Mr. Bartlam stated that from a use standpoint there would be virtually no difference. The Zoning Code requires a minimum of two acres for a C-S designation and the property in question is only one acre in size.

Council Member Land expressed concern about another piece of property in the area that has a daycare center playground backed up to a body shop, and asked if there are any restrictions on types of businesses that can be placed in this commercial strip.

Mr. Bartlam reported that staff would be addressing these issues in the next Zoning Code update. Neighborhood Commercial (C-1) designations allow for uses such as real estate, travel businesses, printing shops, convenience stores, etc.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION:

Mayor Pro Tempore Pennino made a motion, Howard second, to take the following actions:

- Introduce Ordinance No. 1702 entitled, "An Ordinance Of The Lodi City Council Amending The Official District Map Of The City Of Lodi And Thereby Rezoning 255 East Harney Lane (APN 062-290-09) From C-S, Commercial Shopping To C-1, Neighborhood Commercial"; and
- Adopt Resolution No. 2001-102 entitled, "A Resolution Of The Lodi City Council Certifying The Negative Declaration (ND-01-01) As Adequate Environmental Documentation For The Rezone Of Property Located At 255 East Harney Lane, Lodi, CA".

DISCUSSION:

In response to Council Member Hitchcock, Mr. Bartlam stated that there will be a setback of 10 feet surrounding the entire site.

VOTE:

The above motion carried by a unanimous vote.

- G-3 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Nakanishi called for the Public Hearing to consider Planning Commission's recommendation of approval to the City Council for a General Plan Amendment and Rezoning for 1041 & 1171 E. Harney Lane; the General Plan Amendment is from PR, Planned Residential to LDR, Low Density Residential and PQP, Public Quasi/Public, and the Rezoning from San Joaquin County AU-20 to R-2, Single Family Residential and PUB, Public; the request also includes a recommendation that the City Council certify Negative Declaration ND-00-12 as adequate environmental documentation for the project; and to initiate annexation to the properties into the City of Lodi.

Community Development Director Bartlam explained that the application before the Council involves two different properties and owners with a desire to initiate the annexation process for a single-family neighborhood adjacent to the Lodi Unified School District's elementary school site and the City's DeBenedetti Park. Staff estimates that with a low-density residential designation, 80 single-family residences could be built on the property. A connection to Sunnyside Estates off of Tehama Drive will be necessary and will require a connection to Harney Lane to the south and also through the Century Meadows project.

In response to Mayor Pro Tempore Pennino, Mr. Bartlam stated that within the R-2 single-family designation the minimum lot size is 5,000 square feet, which is less than the average at Sunnyside Estates. The R-2 designation allows duplexes to be constructed on corner lots.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

Council Member Hitchcock stated that when she served on the Planning Commission they compromised with R-2 zoning as a trade off that the development community was going to come forward and use part of the land for open space; instead, what has happened is that a lot of homes have been built with 10-foot backyards. Ms. Hitchcock felt that the community needs a variety of R-1 and R-2 zoning.

Mr. Bartlam reported that Lodi's open space is being developed by virtue of payment of the impact fee. From his perspective as a planner, 5,000 foot lots are not an indication of the quality of a development and in today's market what people want is a house, and how much land is around it becomes secondary. He pointed out that the new Bridgetown development is zoned R-1. He suggested that R-2 is the appropriate designation to use land efficiently, deal with growth needs (not desires) and retain a modicum of affordability.

Ms. Hitchcock stated that 80 units equates to three classrooms of students and though the District has money to buy the land, they do not currently have money to build a school. She commented that large lot sizes bring fewer children.

In response to Mayor Pro Tempore Pennino, Mr. Bartlam reported that staff would be recommending the housing element update in 2002 through 2003. That would be the appropriate time to make policy modifications in terms of how many of a particular zoning designation or unit type is desired.

In reference to affordability, Mr. Pennino stated that 5,000 square foot lots with new homes would probably cost \$210,000.

In reply to Mayor Nakanishi, Mr. Bartlam explained that the passage of Proposition 1A two and half years ago allowed schools to levy a higher per square foot fee for every unit built in exchange for the legislature and the building industry supporting school bonds at a state level. The end result is that the City cannot deny development on the basis of school adequacy.

Council Member Land asked when the County would be improving Lower Sacramento Road south of Harney Lane.

Public Works Director Prima reported that the County has moved forward on a specific plan for realigning the curve. Their desire was to do it when the City does roadwork between Kettleman and Harney Lanes.

Mr. Land commented that the Westbrook subdivision homes are on R-2 lots and range between \$235,000 to \$300,000.

MOTION (Motion #1):

Mayor Pro Tempore Pennino made a motion, Land second, to:

- Introduce an ordinance amending the official district map of the City of Lodi and thereby rezoning the parcels located at 1041 & 1171 East Harney Lane (APN 058-230-011 & 12) from San Joaquin County AU-20 to R-2, Single Family Residential and PUB, Public;
- Adopt resolution amending the Land Use Element of the Lodi General Plan by redesignating the 29.43 acres located at 1041 & 1171 East Harney Lane (APN 058-230-11 & 12) from PR, Planned Residential to LDR, Low Density Residential and PQP, Public Quasi/Public;
- Adopt resolution certifying the Negative Declaration ND-00-12 as adequate environmental documentation for the General Plan Amendment, prezone and initiation of annexation of property located at 1041 & 1171 East Harney Lane, Lodi, CA; and
- Adopt resolution for application to the San Joaquin County Local Agency Formation Commission in the matter of the Luckey Annexation/Reorganization, including the detachment of certain territory within the area proposed for annexation to the City Of Lodi.

DISCUSSION:

Council Member Hitchcock stated that she will vote against the motion as she does not believe it meets the goals of the General Plan in having a variety of R-1 and R-2 lots. She stated that there are some League of California Cities attorneys who have indicated that there are findings that allow city's to vote against housing developments based upon lack of schools in the community.

Council Member Howard stated that Sunnyside Estates is zoned R-1 and the surrounding area would best complement it if it were zoned R-1 as well. She agreed with Council Member Hitchcock that there should be more variety and balanced housing types in the City and stated that she too would vote against the motion.

Council Member Land questioned whether Ms. Hitchcock may have a conflict of interest in that she works for the School District and often refers to lack of classrooms for students when the subject of annexations, development, and housing expansion is discussed.

Ms. Hitchcock replied that she had previously asked the City Attorney about this issue and he had inquired with the Attorney General's Office who responded that she did not have a conflict of interest when voting on matters that effect the School District.

Mr. Pennino stated that he too received written confirmation from the Fair Political Practices Commission that he did not have a conflict of interest when voting on matters related to Electric Utility even though he is employed by PG&E; however, he noted that in July 1999 several Council Members said there was a "perceived" conflict of interest and he has since abstained from discussion and voting on such matters.

Mayor Nakanishi stated that he would vote against the motion and would like to have the matter brought back to the Planning Commission.

VOTE:

The above motion (Motion #1) **failed** by the following vote:

Ayes: Council Members – Land and Pennino

Noes: Council Members – Hitchcock, Howard and Mayor Nakanishi

Absent: Council Members – None

Mr. Bartlam pointed out that the Council voted against a General Plan amendment and that low density residential is the appropriate designation regardless of R-1 or R-2 zoning. Also, if the matter is to be referred back to the Planning Commission, some direction needs to be given as to what they are expected to do.

Mayor Pro Tempore Pennino suggested that the matter be tabled until the next meeting to allow Mr. Luckey another opportunity to be present.

MOTION (Motion #2):

Council Member Hitchcock made a motion, Howard second to:

- Rescind the previous vote regarding the General Plan Amendment;
- Adopt resolution amending the Land Use Element of the Lodi General Plan by redesignating the 29.43 acres located at 1041 & 1171 East Harney Lane (APN 058-230-11 & 12) from PR, Planned Residential to LDR, Low Density Residential and PQP, Public Quasi/Public;
- Introduce an ordinance amending the official district map of the City of Lodi and thereby rezoning the parcels located at 1041 & 1171 East Harney Lane (APN 058-230-011 & 12) from San Joaquin County AU-20 to **R-1**, Single Family Residential and PUB, Public;
- Adopt resolution certifying the Negative Declaration ND-00-12 as adequate environmental documentation for the General Plan Amendment, prezone and initiation of annexation of property located at 1041 & 1171 East Harney Lane, Lodi, CA; and
- Adopt resolution for application to the San Joaquin County Local Agency Formation Commission in the matter of the Luckey Annexation/Reorganization, including the detachment of certain territory within the area proposed for annexation to the City Of Lodi.

DISCUSSION:

Mayor Nakanishi supported tabling the matter to the next meeting.

Mayor Pro Tempore Pennino stated that he will vote against the motion because the owner has a major investment in the property and should be aware of the action being proposed.

VOTE:

The above motion (Motion #2) **failed** by the following vote:

Ayes: Council Members – Hitchcock and Howard

Noes: Council Members – Land, Pennino and Mayor Nakanishi

Absent: Council Members – None

RECESS

At 8:37 p.m., Mayor Nakanishi called for a recess and the City Council meeting reconvened at 8:45 p.m.

G. PUBLIC HEARINGS (Continued)

G-3 MOTION / VOTE (Motion #3):
(Cont'd.)

The City Council, on motion of Council Member Howard, Nakanishi second, unanimously rescinded Motion #1.

MOTION / VOTE (Motion #4):

Further, the City Council, on motion of Mayor Pro Tempore Pennino, Land second, unanimously voted to continue this Public Hearing to the next regularly scheduled City Council meeting on May 16, 2001.

H. COMMUNICATIONS

H-1 Claims filed against the City of Lodi – None

H-2 The following report was presented to the City Council:

a) Planning Commission report of April 11, 2001

H-3 The following postings/appointments were made:

a) The City Council, on motion of Council Member Land, Howard second, unanimously made the following appointments/reappointments:

East Side Improvement Committee

Virginia Snyder	Term to expire March 1, 2003
Joseph Spinelli	Term to expire March 1, 2004
Mickey Woodward	Term to expire March 1, 2004

Senior Citizens Commission

Cynthia Reich	Term to expire December 1, 2004
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San Joaquin Valley Unified Air Pollution Control District

Wade Broughton	Term to expire February 4, 2004
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H-4 Miscellaneous – None

I. REGULAR CALENDAR

I-1 "Adopt resolution approving the recommendations of the Multi-Jurisdictional 2x2x2 Greenbelt Task Force to implement the next steps advancing the study of a Lodi/Stockton Community Separator"

Community Development Director Bartlam stated that one of the major City Council goals this past year has been to create a policy whereby preservation of open space between Lodi and Stockton occurs. Over the past one and half years the City of Lodi has been working in concert with the City of Stockton and San Joaquin County to come to consensus on how to preserve the area between south Lodi and north Stockton. Two community forums were held in November 2000; one at Hutchins Street Square with 100 in attendance, and one in north Stockton with 75 in attendance. In summary, the majority of the participants felt there was a need to do something to preserve this area; however, there was widespread opinion on what should be done and what route to take. In March 2001, a 2x2x2 Greenbelt Task Force meeting, with Council Member Hitchcock and Mayor Nakanishi representing Lodi, was held at Hutchins Street Square with 45 persons in attendance. At that meeting the recommendations were reviewed, which are before the Council this evening. The Board of Supervisors approved the recommendations unanimously two weeks ago and the City of Stockton will be considering them within a couple of weeks. Phase 2 of the process includes a four-part recommendation:

- 1) Investigate land trusts. This is a recommendation that the County feels strongly about because there is a growing need for a non-profit organization to be formed to manage lands that might be dedicated or purchased for habitat or open space needs.
- 2) Investigate funding mechanisms. Moneys could be used for purchase of conservation easements or fee title where the property owner would be desirous, or for other kinds of purchase activities. Those could take the place of a farm land conversion ordinance, sales tax initiative, or other kind of impact fee program.
- 3) Explore the feasibility of establishing an urban growth boundary. This would be an effort on the part of Lodi, Stockton, and the County to establish an ultimate growth area to the south that each of the jurisdictions would respect for a period of time.
- 4) Ensure that full involvement of the stakeholders takes place.

Council Member Hitchcock thanked the staff of all three jurisdictions for doing an excellent job in advertising and making it known to the public what is occurring. She expressed concern that the County continues to allow development of non-compatible uses in the established boundaries and asked whether a moratorium agreement has been established.

Mr. Bartlam reported that at a recent Board meeting discussion occurred about leaving the agricultural area "status quo". There is also a new zoning designation that will be considered in the future, to be placed on all Williamson Act contract lands, which represent 60-70% of the land available.

Council Member Howard asked when the next Task Force meeting would be held, as there are homeowners within the County area that were not aware of the meetings that took place previously and have expressed concerns about property rights.

Mr. Bartlam replied that the next meeting would be scheduled after the City of Stockton takes action on the recommendations. The next set of public meetings will be held to explore the feasibility of establishing an urban growth boundary.

Council Member Land thanked the Mayor and Council Member Hitchcock for participating on the Task Force. He forwarded two letters to the City Manager that he had received from property owners requesting to be placed on a mailing list for future meeting announcements. He commented on the need to provide affordable housing to Lodi residents and asked whether the plan will address the issue of land utilization.

Mr. Bartlam responded that while the plan itself will not address this issue, discussion regarding the housing element and eventual update to the General Plan would be the logical next step in the process.

Mayor Nakanishi noted that he too received many letters from property owners in the County expressing concerns about the greenbelt issue and meeting notifications.

Mr. Bartlam stated that one of the next projects is to add all of the nearly 1,000 property owners in the area to a mailing list.

Mayor Nakanishi asked that a question and answer newspaper article be developed to educate residents about the greenbelt issue.

MOTION/ VOTE:

The City Council, on motion of Council Member Land, Hitchcock second, unanimously adopted Resolution No. 2001-103 approving the recommendations of the 2x2x2 Greenbelt Task Force and authorized City staff to pursue the implementation of each of the recommendations in order to implement the next steps advancing the study of a Lodi/Stockton Community Separator.

- I-2 "Adopt resolution awarding contract for Asbestos Removal, Demolition, Clearing and Grading as an abatement action at 220 E. Pine Street (APN 043-074-06) to Speelman Excavation (\$17,745), and appropriate funds for the project"

Community Development Director Bartlam reported that Speelman Excavation has given staff the authority to extend their bid through May 18. The property owner no longer has an objection to the City moving forward with the demolition.

PUBLIC COMMENTS:

- Virginia Lahr, 311 E. Elm Street, stated that it is a shame it took the City eight years to do something about this troublesome property. She encouraged the Council to consider developing an ordinance that would allow interior inspections of property. She stated that many properties look acceptable from the exterior, but are in very poor condition inside. Ms. Lahr also stated that she is aware of many instances where landlords are taking advantage of tenants who do not speak English. In reference to the Lodi Arch, she commented that there needs to be vast improvements on the east side entrance to the City.
- Chris Simpson, 5597 Vintage Circle, Stockton, expressed gratitude to the Council for allowing him additional time to make arrangements for the property. The property is now in escrow and the weed abatement has been handled.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Hitchcock second, unanimously adopted Resolution No. 2001-104 awarding the contract for Asbestos Removal, Demolition, Clearing and Grading as an abatement action at 220 E. Pine Street (APN 043-074-06) to Speelman Excavation, of Linden, in the amount of \$17,745, and appropriated funds in accordance with staff recommendation.

- I-3 "Lower Sacramento Road Widening project update"

Public Works Director Prima reported that there are three segments to the Lower Sacramento Road project that are not being constructed to their complete width. One of the areas is just south of Tejon Drive where the frontage road stops. There will be curb and sidewalk added so that pedestrians can traverse Lower Sacramento Road. The other two areas are south of Vine Street on the west side from Vine Street to Taylor Road and from Taylor Road to Kettleman Lane. Curb, gutter, and sidewalk will be added in front of the two lots on the segment between Vine Street and Taylor Road. This was agreed to as part of the property exchange for the right-of-way. Right turning vehicles on Taylor Road will have plenty of room to pull over and make a right turn. North of that location, up to Vine Street, will be two full travel lanes with a slightly reduced median width. South of Vine Street the median was reduced by two feet and the travel lane is 11 feet with a 5-foot shoulder and temporary curb. This was done because the properties on the left side between Vine Street and Taylor Road are undeveloped. There are intermittent houses that will go away eventually when the property redevelops to some higher use. The first house on the south side of Vine Street is close to the street, which would have required purchase of the house by the City to have a full street width and sidewalk. Further south there is another home that would likely have required severance damages to the parcel to acquire the right-of-way. Mr. Prima emphasized that frontage improvements would be put in by developers when the property redevelops.

Council Member Howard asked whether there was a turn lane for St. Johns Episcopal Church.

Mr. Prima replied that there will be no left turns in or out of that project and Community Development Director Bartlam added that with the Westside Facility Plan, ultimately the church property will have local street access.

In reference to Mr. Prima's comment about future development of the properties, Council Member Hitchcock felt that due to the number of homes in the area, it is already developed. Redevelopment would likely not take place for twenty years. She expressed concern that not completing all the improvements would create traffic problems. The thousands of travelers on Lower Sacramento Road outweigh the concern of the homeowners. At a minimum, Ms. Hitchcock stated that all the improvements should be made when the corner of Lower Sacramento Road and Kettleman Lane is developed.

Mayor Pro Tempore Pennino stated that he is not in favor of eminent domain and preferred not to change the project, which is already under construction. He agreed that when the corner of Lower Sacramento Road and Kettleman Lane is developed that it may be an appropriate time to reconsider further improvements.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Pennino, Land second, voted to make no changes to the Lower Sacramento Road Widening Project. The motion carried by the following vote:

Ayes: Council Members – Howard, Land, Pennino and Mayor Nakanishi

Noes: Council Members – Hitchcock

Absent: Council Members – None

- I-4 "Adopt resolution approving revised class specification for Firefighter I/II, Fire Engineer, and Fire Captain"

Senior Human Resources Analyst Kirk Evans reported that the following changes to the class specifications were made at the request of the Fire Department. The Fire Captain specification has been updated to include that the required experience must be with the City of Lodi. Under the heading of licenses and certificates, it now states that the required coursework must be completed. Previously, specifications for Firefighter Engineer were included in the same document as those for Firefighter I/II, and they have now been separated into two distinct class specifications.

In response to questions by Mayor Pro Tempore Pennino and Council Member Hitchcock, Fire Chief Pretz explained that Firefighter I/II to Fire Engineer is a promotional process and Fire Captain is an internal promotional process derived from that group. Changes were made to the Memorandum of Understanding related to the promotional process of Firefighter I/II to Fire Engineer.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Pennino, Land second, unanimously adopted Resolution No. 2001-105 approving the revised class specifications for Firefighter I/II, Fire Engineer, and Fire Captain.

J. ORDINANCES

- J-1 Ordinance No. 1701 entitled, "An Ordinance Of The Lodi City Council Amending Chapter 13.20 Electrical Service, Article III. Rates By Adding Section 13.20.175 – Schedule MCA – Market Cost Adjustment" having been introduced at a regular meeting of the Lodi City Council held April 18, 2001 was brought up for passage on motion of Council Member Hitchcock, Howard second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members – Hitchcock, Howard, Land and Mayor Nakanishi

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – Pennino

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Mayor Nakanishi announced that he attended the San Joaquin Mayors conference today. The committee voted on the appropriation for the LAFCo committee to comply with state laws, and the City of Lodi's fee is \$13,300.
- Council Member Howard commented that she is looking forward to tomorrow's National Day of Prayer and to her new position as the Council representative on the Youth Commission.
- Council Member Land thanked Century Assembly Church for the work it did last weekend on the blocks bordering north Central Avenue, East Locust and Stockton Streets.

Community Development Director Bartlam reported that 110 individuals from the church participated in the clean up effort. Central Valley Waste Services dedicated a backloader truck and driver, and took two full truckloads of trash out of the area. The church group plans to continue the work every two weeks through July.

- Council Member Hitchcock asked for a status report on the removal of the railroad tracks on Lodi Avenue.

Public Works Director Prima stated that the railroad tracks near Main Street where two tracks cross Tokay Street and curve in front of the Round House will be removed this summer. The City still has not received commitment from the railroad companies to move over to the Kentucky House branch along Lockeford Street so that the Lodi Avenue railroad tracks can be removed. There is also a property acquisition issue at the corner near Victor Road. Four million dollars of Measure K money has been designated for railroad track removal.

L. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager Flynn made the following announcements:
 - 1) Deputy City Attorney Schwabauer's wife is expecting her second child any day.
 - 2) Economic Development Coordinator Tony Goehring and Human Resources Director Joanne Narloch share a birthday on May 16.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:10 p.m.

ATTEST:

Susan J. Blackston
City Clerk